Secl. II 37 45,000--18-12-31.

Law & General (1932) Department.

MS SERIES.

G.O. No. 2527

DATED 2-7-32

[Despatch Abstract.]

Lottery - South Kanara district - prosecution - Narasimha Devappa Shilanady and Paike Rama Pao - sanctioned.

C.F. 50.

LAW (GENERAL) **DEPARTMENT.**

Jfml: 1981A
11.4.32

Received ..... 19 *Registered* 19

Subject.

Lottery - drawing of tickets - Mutual Club. Ltd. Vaduz - Publication of proposals - Prosecution of Mangalore Mutual Company - sanction - Requested.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. Ref.C1-3136/32.

Station Mangalore, *Dated the* 5th April 1932.

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,
(Designation) Dt. Magistrate of South Kanara.

To The Secretary to the Government of Madras,
Law (General) Department,
Madras.

Sir,

I request that Government may be pleased to sanction, under the provisions of Section 196 Cr.P.C., the prosecution of the Mangalore Mutual Company for an offence punishable under Section 294 A. I.P.C.

2. The business running under the name of the "Mangalore Mutual Company" is located in the Ganapathi Temple Street at Mangalore and two persons Narasimha Devappa Naik Shilanady and Paike Rama Rao are conducting it. I enclose a copy of the Circular issued by these persons and a copy of their statement obtained by the Police which make it clear that they have been publishing literature and selling ticke

5-11 [illegible]

of the "Mutual Club" Ltd., relating to several lotteries such as "The Lincolnshire Handicap", "The Derby", "The Caesarewitch" which have not been authorised by Government and that they have been requesting and inducing the public to purchase tickets in expectation of prizes to be awarded at the drawing of the lotteries.

3. I enclose a copy of the letter of the District Superintendent of Police, South Arcot, dated March 1932. It is apparent that Narasimha Devaru and Reddy and Paike Rama Rao have long been openly violating the provisions of Section 294 A. I.P.C. and carrying on an illegal trade in defiance of law.

For Dt. Collector.

M.D'S.5/4.

6.4.32

7/15/4 3/

Law (Genl) Dept

[C. No. 1981A]

Memo. 1981A-18 15.4.32

Prosecution - Lottery

South Kanara Dt - Letter from the D. M. South Kanara

41-2 of Ref. C1-3136/32 dated 5-4-32

The D. M. South Kanara is requested to state whether he consulted the Public Prosecutor, South Kanara, as to the probability of the success of a prosecution and, if not, to obtain and forward his opinion to Govt.

14/4/32

14/4

14/4

Memo 14/4/32.

, cf. 17 of G.O. 394 L.G. 29/1/31 (Z.)

Dpd. by Venu / Post / Manger

To

The D. M. South Kanara

R. 16-5-32

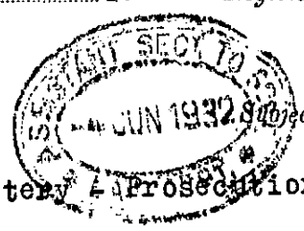
Reminder after a month

~~4~~ 4

LAW (GENERAL) DEPARTMENT.

Lgent 2797 A 4-6-32

Received ..... 19 *Registered* ..... 19 .



Subject.

Lottery - Prosecution.

67

Government Memorandum No.1981 Al, dated 15th April 1932.

1.45 ante

Enclosures.
No. .....
.....
Spare copies .....

No. Ref.C.1-3136-32.

Station Mangalore, *Dated the* 1st June 19 32

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,

(Designation) District Magistrate of South Kanara.

To The Secretary to the Government of Madras,

Law (General) Department,

Madras.

Sir,

The Public Prosecutor, Mangalore who has since been consulted has sent the enclosed letter Ref.No.22/32, dated 31st May 1932 saying that it is doubtful if the two persons can be prosecuted, as no lottery is proposed to be run in Mangalore. I do not think that it is necessary to run the lottery in Mangalore as opined by him. The two persons referred to have published the literature concerning the -- foreign lotteries and this constitutes an offence under --- Sec.294 A I.P.C. If deemed fit, the Public Prosecutor, --

1.48 infra

-3-

Madras may be consulted

All the enclosures are returned.

For District Magistrate.

16.32

Ref. No. 23 1933

Mangalore,
31st May 1933.

From

M. R. Ry.

DEWAN XXXX RAO BAHADUR B. MAHABALA HEGDE, Avl., B. A., B. L.,
ADVOCATE,
Government Pleader & Public Prosecutor, Mangalore.

To

The District Magistrate,
South Kanara.

Sir,

Reference:- Lottery-Prosecution-Mangalore Mutual Co.
Your Ref. C1-3136-32 dated 27-4-32.

Section 294A requires the keeping of an office or place for the purpose of drawing any lottery. In the case in question no lottery is proposed to be run in Mangalore. The two suspected persons seem to be agents for selling tickets of the Mutual Club of Europe. It is doubtful if those two can be prosecuted under Section 294 A I.P.C. as proposed by the Dt. Superintendent of Police.

Connected papers are herewith returned.

Your obedient servant,

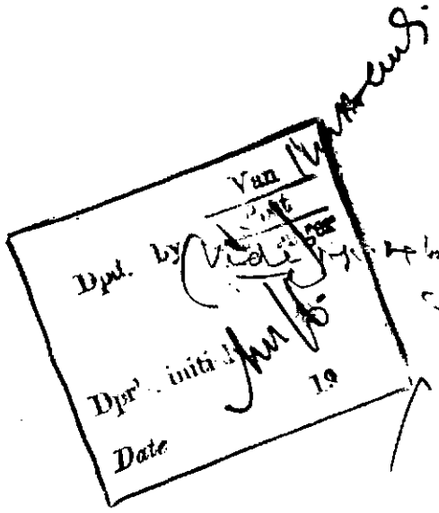
Public Prosecutor.

Law (Genl) Dept

[C. No. 1981A]

Memo. 1981 A-3 & 11.6.32

Prosecution - Lottery -
South Kanara St - Letter from
the D. M. South Kanara No.
44-47 Ref. C-1-3136-32 dated 1-6-32



To

The Public Prosecutor,
Madras.
(with pp 1-44 cf. and
pp 46-48 cf. in original
to be returned with reply.)

Referred to the Public Prosecutor, Madras, for opinion as to whether ~~early remarks, as to the probability of the success of~~ a prosecution in the case is likely to be successful.

7/6/32
CVV
7/6

BR
8/6

S
10/6/32

Reminder after a month

5 A 8

C.F. 30.

JUDICIAL DEPARTMENT.

L.Genl 3079 ft 24.6.32

Received ..... 19 *Registered* 19

Subject.

Prosecution - Lottery - South Kanara - Forwarding opinion.

ENCLOSURES.
No. one file 1 to 69 pages.
Spare copies .....

Opinion No. 29 of 32.

Station Guraas *Dated the* 20th June 19 32.

From (Name) L. H. Bewes Esq.,

(Designation) Public Prosecutor Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

With reference to Memorandum No. 1981 A-5, Law (General) dated 11th June 1932, I have the honour to forward herewith my opinion in the matter. ↑ 49 ante ↑ 57 ft

2. The enclosures received with the memorandum are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

L. H. Bews

Public Prosecutor.

RS/20-6.

20/6.

Memorandum No. 1981 A-3, Law (General) dated 11--6--1932.

O P I N I O N

The case seems to me perfectly clear. The accused has committed no offence under the first part of Section 294 A; but the accused has committed an offence, on the facts of the case, under the 2nd part of that section which is quite independent of the first part. Under the second part of Sec. 294 A what is made punishable is the publication of any proposal to pay any sum.....in any event.....applicable to the drawing of any ticket, lot, number or figure in any lottery. Now the accused sells the tickets which on the reverse contains the prize plan showing what sum or percentage the purchaser of the ticket will be entitled to in the event of the number on the face of the ticket being drawn for a prize in the lottery -- wherever the lottery may be held -- and this is the publication contemplated by the section. Neither his keeping an office nor his publishing the literature concerning the lottery is an offence under the first or 2nd part of Sec. 294 A.

In my opinion the prosecution under the second part of the section must ~~fail~~ succeed.

L. H. Bewes.

Madras,
20th June 1932.

Public Prosecutor.

RS/20-6.

Law (Genl) Dept.

[C.No. 1981A] From the D. Mb. South Kanara, Ref. C 1-3136/32 dated 5-4-32

ff 1-2 cf

[C.No. 2797A] From the D. Mb. South Kanara Ref. C.1-3136/32 dated 1-6-1932

ff 46-47 cf

[C.No. 3079A] From the Public Prosecutor, Madras Cgm. No. 29 of 32 dated 20-6-3

f 50 cf

Lottery - Prosecution - South Kanara Dt. - Narasinha Devappa Naik Shilanady and Baike Rama Rao.

A.S.

The D. Mb. South Kanara has applied for sanction to prosecute Narasinha Devappa Naik Shilanady and Baike Rama Rao of Mangalore who were running a business under the name of "Mangalore Mutual Company" selling tickets of unauthorised lotteries, publishing proposals to pay money in the event of the number on the face of a ticket being drawn for a prize in the lottery etc.

ff 1-2 cf

The Dt. Supt. of Police recommends that the man should be prosecuted under section 294-A I.P.C.

ff 3-4 cf

2 The Public Prosecutor, Mangalore, who was consulted by the D. Mb. doubted whether the two persons could be

f 48 cf

+ 1/

prosecuted under section 294-A I.P.C. and
hence a reference was made to the
Public Prosecutor, Madras. The ~~Public~~ latter
~~Prosecutor, Madras~~, is of opinion that a
prosecution under the second part of
section 294-A I.P.C. must succeed.

3. If the prosecution is to be
sanctioned, the draft order is for approval.

25/6/32

25/6

25/6

28/6/32

27.6.32

29/6/32.

Secvt. II—10 (a)—36,003—21-1-18. (6)

66/17 12 Law (Genl) DEPARTMENT

Lottery

South Kanara St —
Prosecution — Narasimha
Devappa Naik Shilanady and
Baike Rama Rao — Sanctioned

READ AGAIN G.O. No. ....., dated 191

" " " " ..... " 191

READ ALSO:—

1-2 cf No. 1981A, From the D. M., South Kanara, Ref. C1 No. 3136/32 dated 5-4-1932

4-6-47 cf 2797A " " D. M. South Kanara " Ref. C1 3136/32 " 1-6-1932

5-1 " cf 3079A " " Public Prosecutor, Madras " 29 of 32 " 20-6-1932.

ORDER. No 2527 dated 2.7.1932

Mis

Whereas the Govt have received information that Narasimha Devappa Naik Shilanady and Baike Rama Rao of Mangalore have sold tickets, relating to several lotteries not authorised by Government such as "The Lincolnshire Handicap", "The Derby" and "The Caesarewitch", which ~~and that these~~ tickets contain on the reverse ~~contains~~ the prize plan showing what sum or percentage the purchaser of the ticket will be entitled to, in the event of the number on the face of the ticket being drawn for a prize in the lot

4-1-2 cf

This is the offence under the second part of section 294-A I.P.C.

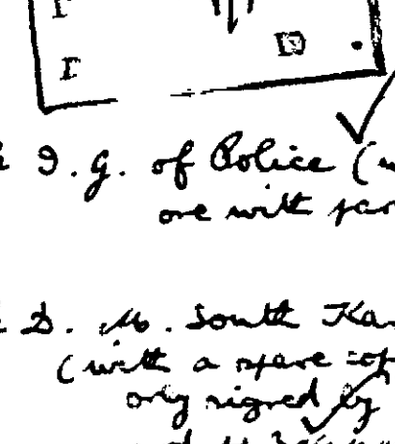
A'on 4 5 1 cf

and have thus committed an offence punishable under the second part of section 294-A of the Indian Penal Code, His Excellency the Governor in Council, under the provisions of section 196 of the Code of Criminal Procedure, 1898, hereby sanctions the prosecution of the said Narasinha Devappa Naik Shilanady and Baike Rama Rao for an offence under section 294-A I.P.C.

2. The D.G. of Police is requested to depute a suitable officer to prefer a complaint under the above-mentioned section against the said Narasinha Devappa Naik Shilanady and Baike Rama Rao of Mangalore.

Date 20/6/32 Cav 25/6

PPC 27/6 CMO 28/6/32



To

1. The D.G. of Police (with a
one with para 1 only

2 The D. M. South Kanara
(with a spare copy of
only signed by Secre
and H 3-4 4 of. in

3 The Public Prosecutor, Madra

4 Copy to the Public (Police)

5 " the Public Prosecu
S. Kanara
(both paras

(Hairs to be typed for
secretary's signature